

REMARKS/ARGUMENTS

In the specification a paragraph has been added at page 23 to further explain the operation of a cabinet provided with a single drawer, as claimed in original claims 1-17.

Claims 1-17 remain in this application.

Claims 1, 3 and 5 have been amended to overcome the rejection under 35 USC 112 second paragraph by providing the proper antecedent basis for all elements in the claims.

In response to the Office Action of November 30, 2006, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

**Rejections under 35 USC 112**

Claims 5, 12 and 14 stand rejected under 35 USC 112, first paragraph, as failing to comply with the enabling requirement. Specifically, the Examiner states that it is unclear how the spring tabs are "constructed and arranged" to cooperate with an aperture.

The construction and operation of the spring tabs are described in the specification at page 14, lines 18-24 through page 15, lines 1-3; page 15, lines 15-23 through 16, lines 1 and 2; page 16, lines 12-16; page 17, lines 3-8; page 18, lines 6-14; page 19, lines 5-10 and page 21, lines 4-13. In addition,

the structure and cooperative relationship is illustrated in Fig. 5 of the drawings. In the lower left hand corner portion of Fig. 5, spring tab 114 is illustrated as positioned inside of and engaging aperture 314. The right hand corner portion, of Fig. 5, illustrates a cross section of spring tab extending from the left side of locking post 112 and into aperture 314. The spring tab is triangular in cross section and the bottom, flat portion engages bottom portion of aperture 314 to lock the spring tab and aperture together. This is also illustrated in U.S. Patent No. 6,988,780. The spring tabs 214 of locking posts 210 engage apertures 120 of the sockets 116, see column 6, lines 7-17 and Figs. 2 and 6. The inventors of this patent are the same inventors as those of the instant application.

Claims 1-17 stand rejected under 35 USC 112, first paragraph, for failing to comply with the enabling requirement. The Examiner states that the specification does not enable one skilled in the art to make a cabinet with only two drawer guides. Another issue is how the cabinet functions with two drawers and two or four drawer guides.

The specification has been amended to further explain the embodiment which utilizes a single drawer in the cabinet. In this embodiment only two drawer guides are required for operation.

Regarding the issue with the embodiment of claim 3, as now claimed there is "at least one drawer" and therefore there is no longer a problem with at least two drawers in the claim.

Claims 1-17 stand rejected under 35 USC 112, second paragraph, for antecedent basis problems in claims 1, 3 and 5. These problems have been corrected.

Applicants respectfully request the withdrawal of the rejections under 35 USC 112, first and second paragraphs, in view of the above remarks and amendments.

**Rejection under 35 USC 103(a)**

Claims 1 and 11-16 stand rejected under 35 USC 103(a) as being unpatentable over Hsu in view of Sharon. The Examiner alleges that Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel, top panel, left side panel, right side panel, and back panel. The top and bottom panels connect to the side and back panels with a means for attaching. The means for attaching are posts on the side and back panels that have integrally formed spring tabs that communicate with locking sockets in the base and top panels. The Examiner recognizes that Hsu does not disclose the locking posts on the top and bottom panels, a plurality of guides that fit into apertures formed in vertical

rails, a combination of various size drawers and the drawer with upper and lower rollers. The Examiner then alleges that Sharon teaches a drawer guide system including drawer guides (51, 52) that have clips (10) to insert into apertures (21) on a vertical rail (20). The guides (51, 52) are considered to have an L-shape by the Examiner. In addition the Examiner states that this system allows for different size drawers to be used in the cabinet and relies on the specification at column 1, lines 39-44 for support. The drawer also allegedly has an upper and lower roller (A', B') to engage the drawer guide (51, 52). The Examiner concludes that it would have been obvious modify the cabinet of Hsu by adding the vertical rails and drawer guide structure as taught by Sharon to allow for adjustable drawers. The Examiner also recognizes that the combination of Hsu and Sharon positions the locking posts on the side and back panels and the locking sockets on the top and bottom panels. The Examiner states that it would have been obvious to reverse these components since it has been held that a mere reversal of parts of a device involves only routine skill in the art and cites *In re Einstein*, 8 USPQ 167 to support this conclusion.

The proposed modification of Hsu by Sharon would destroy the operation of the device. As stated previously in the

amendment filed September 5, 2006, the drawers of Hsu slide on divider 6 and bottom plate 1. The proposed modification of Hsu by Sharon would require that wall brackets 20 be attached to the inner surface of the left and right side panels of Hsu, clips 11 would then be secured to the brackets 20, the brackets 12 would then be secured to the clips 11 and finally the channels 51 secured to the brackets 12. This modification would significantly decrease the width of the drawers of Hsu and destroy the aesthetic appearance of the cabinet, as can be seen by the top view, Fig. 5 of Sharon. In addition, the drawer face of Sharon does not "...enclose the front of the cabinet and provide storage..." as recited in claim 1. The Examiner suggests that the drawer face of Hsu be substituted for the drawer face of Sharon to keep the aesthetics of the cabinet. However, no support or suggestion in either reference is given to support this proposed modification. The proposed modification of Hsu by Sharon also fails to teach "... said drawer guides constructed and arranged to cooperate with at least one drawer to provide support and prevent tipping and canting of said at least one drawer...". The Examiner contends that it is inherent that the function of drawer guides is to support a drawer and allow it to slide in and out of an enclosure. While that may be true, there is no teaching in either reference of the drawer guides

preventing tipping and canting of the drawers as recited in the claims. This function is only disclosed by Applicants in the present invention.

The proposed combination of Hsu and Sharon also does not teach or disclose "...at least one drawer including... at least one upper roller and at least one lower roller rotatably mounted thereto, wherein said upper and lower rollers are constructed and arranged to cooperate with said drawer guides to allow said at least one drawer to be moved inwardly and outwardly of said drawer cabinet...". The Examiner alleges that the drawer of Sharon is provided with rollers A' and B' and annotates Figure 4 of Sharon to support this statement. However, there is nothing in the disclosure of Sharon to support this statement or annotation of the drawings. The elements that the Examiner designated as A' and B' are not identified or discussed in the disclosure of Sharon.

To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art must teach all the claim limitations. The proposed combination of Hsu and Sharon fail on

all three criteria and accordingly are not a proper rejection under 35 U.S.C. 103(a).

In addition the proposed combination of references fails to disclose the spring tabs of claims 12, 14 and 16. The examiner alleges that Hsu discloses spring tabs (A'). However, the Hsu patent fails to disclose spring tabs and elements identified as spring tabs in the annotated Fig. 7 of Hsu referenced in the office action find no support or description in the disclosure of Hsu. The only teaching of providing the posts with spring tabs is found in Applicants disclosure and therefore the Examiner's conclusion of obviousness is based on improper hindsight reasoning. *In re McLaughlin* 442 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA1971).

Claims 2, 3 and 17 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Hsu in view of Sharon, as applied to claims 1 and 11-16 above and further in view of Czarnecky. The Examiner alleges that Czarnecky teaches side panels (18) of a drawer cabinet with inner surfaces (30) having integral vertical rails with slots (40, 42). Also Fig. 9 illustrates cross bracing (110) to strengthen the bottom of the drawer. Czarnecky describes inner panels 30 as including a front series of vertical slots 40 and a rear series of vertical slots 42 (col. 3, lines 30-35). There is no disclosure in Czarnecky of

"... vertical rails integrally molded on each of said inner surfaces of said left and said right side panels..." as recited in the claims. Accordingly the proposed combination of Hsu, Sharon and Czarnecky fail to teach or disclose all the claim limitations and therefore fails to establish a proper case of obviousness under 35 U.S.C. 103.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Sharon as applied to claims 1 and 11-16 above and further in view of Schenker. While the Schenker reference does teach providing stiffeners or ribs 70 for the cabinet panels it fails to supply the teachings missing from Hsu and Sharon to meet all the limitations of claim 1 noted above.

Claims 1-4 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,572,874 to Hassel in view of US Patent 6,474,759 to Hsu. Hassel teaches a cabinet (1) with drawers (2). The drawer glides (11) are mounted with locking posts (16,15) that have a conjugate shape and extend through apertures (9) in integral vertical rail (8) that are formed on the side wall (3). The drawer glides (11) are L-shaped with a vertical leg (13) and horizontal leg (12). The drawers (2) have slides (34, 35) and the rear portion of the drawer (2). A locking member (18) extends through an opening (17) in the



vertical leg (13) of the drawer glide (11) and an aperture (10) on the vertical rail (8) to secure the drawer glide (11) in place. The upper slides (35) contact the bottom of the drawer glide (11) that is above the drawer (2) and the lower slides (34) on the drawer (2) contact a drawer glide (11) that is relatively level with the drawer (2).

The Examiner concedes that Hassel does not expressly disclose specific attachment means of the panels of the cabinet and rollers on the drawer.

The Examiner continues on to state that Hsu teaches a plastic cabinet that can have drawers as seen in figure 11. The cabinet is made up of a base panel (1), top panel (5), left side panel (2), right side panel (3), and back panel (4). The top and bottom panels (1,5) connect to the side and back panels (2,3,4) with a means for attaching (11, 12, 51, 21,25,41,42,31,35). The means for attaching (11, 12, 51, 21, 25, 41, 42, 31, 35) is posts (35, 42, 25, 21, 31, 41) on the side and back panels (2, 3, 4) that have integrally formed spring tabs (A') that communicate with locking sockets (11,12, 51) in the base and top panels (1, 5) as seen in figure 1 and 7 above. The Examiner then concludes that at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Hassel by making the panels out of plastic and adding

the posts and sockets as taught by Hsu to be easier to assemble and sturdier.

The Examiner admits that Hassel in view of Hsu does not expressly disclose rollers on the drawers. The Examiner states that the Office takes official notice that it is well known to use rollers in drawer construction since they provide less friction than slide elements. The Examiner then concludes that at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawer of Hassel in view of Hsu by replacing the slide elements (35, 34) with rollers to make it easier to slide the drawer by reducing the friction between the drawer and the cabinet.

The Examiner admits that Hassel in view of Hsu disclose the claimed invention except the posts are on the side and back panels and the sockets are on the top and bottom panels. The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the posts extend from the top and bottom panels and have the sockets on the side and back panels, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

The proposed modification of Hassel by Hsu fails to meet all of the limitations recited in the claims. For example in claim 1 the limitations "...said drawer guides constructed and arranged to cooperate with at least one drawer to provide support and prevent tipping and canting of said at least one drawer..." and "... said at least one drawer including...at least one upper roller and at least one lower roller rotatably mounted thereto..." are not found in the proposed combination of Hassel and Hsu. The Examiner takes "official notice" that it is well known to use rollers in drawer construction since they provide less friction than slide elements. Applicants challenge this position taken by the Examiner because in the rejection of claims 1 and 11-16 as unpatentable over Hsu in view of Sharon neither reference disclosed rollers and the Examiner did not take "official notice" that it is well known to use rollers in drawer construction. It is impermissible for the Examiner to take "official notice" of a claim limitation when a claim is rejected in view of two references and then not take "official notice" for the same claim limitation in the same claim when different references are applied in a rejection. In this application none of the references cited teach or disclose rollers and it is not so "well known" to use rollers that one can take official notice of this fact.

In Claim 2, the limitation "...said means for securing a plurality of said drawer guides includes a pair of vertical rails integrally molded on each of said inner surfaces of said left and said right side panels ..." (emphasis added) are not found in the proposed combination of Hassel and Hsu. Hassel only discloses U-shaped bends (7) at the two vertical edges of the sidewalls (3). A portion (8) of the bend is provided with a plurality of slots (9) to support rails (11). These bends are not "vertical rails integrally molded on the inner surfaces of the side panels".

Claims 12, 14 and 16 recite a spring tab formed on a locking post and cooperating with a locking socket for secure engagement. Neither Hassel nor Hsu disclose spring tabs. The Examiner alleges that A' of annotated Fig. 7 of Hsu shows integrally formed spring tabs that communicate with locking sockets. The annotation has been supplied by the Examiner and there is no support for this in the disclosure of Hsu. The only teaching for spring tabs is found in Applicants' disclosure. Accordingly the proposed combination of Hassel and Hsu fail to teach or disclose all the claim limitations and therefore fails to establish a proper case of obviousness under 35 U.S.C. 103.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hassel in view of Hsu, as applied to claims

1-4 and 11-16 above and further in view of Schenker. While the Schenker reference does teach providing stiffeners or ribs 70 for the cabinet panels it fails to supply the teachings missing from Hassel and Hsu to meet all the limitations of claim 1 noted above.

Claim 17 stands rejected as being unpatentable over Hassel in view of Hsu as applied to claims 1-4 and 11-16 above and further in view of Czarnecky. While the Czarnecky reference does teach providing a stiffening grid 110 for the cabinet panels it fails to supply the teachings missing from Hassel and Hsu to meet all the limitations of claim 1 noted above.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,

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